

Senate Bill 359

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide a short title; to revise a definition; to provide that political bodies may nominate candidates for public office without the necessity of a nomination petition under certain circumstances; to provide that political bodies may conominate candidates of political parties; to provide for the aggregation of votes for such candidates; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Voter Choice and Ballot Access Act of 2010."

**SECTION 2.**

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising paragraph (25) of Code Section 21-2-2, relating to definitions, as follows:

"(25) 'Political party' or 'party' means any political organization which at the preceding:

(A) Gubernatorial election nominated a candidate for Governor and whose candidate for Governor at such election polled at least 20 percent of the total vote cast in the state for Governor; or

(B) Presidential election nominated a candidate for President of the United States and whose candidates for presidential electors at such election polled at least 20 percent of the total vote cast in the nation or the State of Georgia for that office.

Votes cast for a candidate of a political party for the office of Governor who is also the nominee of a political body shall not used in determining whether a political organization other than the political party qualifies for political party status under this paragraph. Votes for candidates of a political party for the office of presidential elector

26 whose candidate for President of the United States was also nominated by another  
27 political organization shall not be used in determining whether a political organization  
28 other than the political party qualifies for political party status under this paragraph."

### 29 SECTION 3.

30 Said chapter is further amended by revising Code Section 21-2-137, relating to qualifying  
31 as independent or political body candidate and as political party candidate, as follows:

32 "21-2-137.

33 No person shall qualify with any political party as a candidate for nomination to any public  
34 office when such person has qualified for the same primary with another political party as  
35 a candidate for nomination by that party for any public office; nor shall a state, county, or  
36 municipal executive committee of any political party certify any person as the candidate  
37 of that party when such person has previously qualified as a candidate for nomination for  
38 any public office for the same primary with another political party. No person shall file a  
39 notice of candidacy as an independent ~~or political body~~ candidate for any public office  
40 when such person has qualified for the same office to be filled at the same election with  
41 any political party; nor shall any person qualify with any political party when such person  
42 has filed a notice of candidacy as an independent ~~or political body~~ candidate for the same  
43 office to be filled at the same election. A political body shall be authorized to nominate the  
44 nominee of a political party for an office as the nominee of the political body for the same  
45 office. In such case, the person so nominated shall file as the nominee of each of the  
46 political organizations by whom such person is nominated for the office."

### 47 SECTION 4.

48 Said chapter is further amended by revising Code Section 21-2-180, relating to manner of  
49 qualification, as follows:

50 "21-2-180.

51 Any political body which is duly registered as provided for in Code Section 21-2-110 is  
52 qualified to nominate candidates for ~~state-wide~~ public office by convention if:

53 (1) The political body files with the Secretary of State a petition signed by voters equal  
54 in number to 1 percent of the registered voters who were registered and eligible to vote  
55 in the preceding general election; or

56 (2) At the preceding general election, the political body nominated a candidate for  
57 state-wide office and such candidate received a number of votes equal to 1 percent of the  
58 total number of registered voters who were registered and eligible to vote in such general  
59 election."

**SECTION 5.**

Said chapter is further amended by revising Code Section 21-2-181, relating to filing of petitions generally, as follows:

"21-2-181.

Petitions to qualify political bodies to nominate candidates for ~~state-wide~~ public office by convention shall be filed with the Secretary of State and shall be signed by voters in the manner provided in this part. Such petitions shall provide sufficient space for the printing of the voter's name and for the voter's signature. No forms other than those prescribed in this part shall be used for qualifying a political body to nominate candidates for public office."

**SECTION 6.**

Said chapter is further amended by revising Code Section 21-2-184, relating to restriction on amendment or supplementation, as follows:

"21-2-184.

A petition to qualify a political body to nominate candidates for ~~state-wide~~ public office by convention shall not be amended or supplemented after its presentation to the Secretary of State for filing."

**SECTION 7.**

Said chapter is further amended by revising Code Section 21-2-186, relating to examination of petitions, as follows:

"21-2-186.

Petitions to qualify a political body to nominate candidates for ~~state-wide~~ public office by convention shall be examined and shall be subject to judicial review in the same manner as provided for candidates nominated by petition pursuant to Code Section 21-2-171."

**SECTION 8.**

Said chapter is further amended by revising Code Section 21-2-187, relating to holding of conventions, as follows:

"21-2-187.

Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for ~~state-wide~~ public office in convention shall file a notice of candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in June as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than 12:00 Noon on the second Tuesday in July

following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot; provided, further, that, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates nominated for ~~state-wide~~ public office shall file a notice of candidacy no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July as prescribed in Code Section 21-2-132; provided, further, that the political body must file its qualifying petition no later than 12:00 Noon on the first Monday in August following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot."

#### SECTION 9.

Said chapter is further amended by revising Code Section 21-2-493, relating to computation, canvassing, and tabulation of returns, by adding a new subsection to read as follows:

"(m) The votes received by a candidate who is the nominee of a political party and one or more political bodies shall be aggregated in the final returns for the office sought by such candidate."

#### SECTION 10.

Said chapter is further amended by revising Code Section 21-2-499, relating to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers, by adding a new subsection to read as follows:

"(d) The votes received by a candidate who is the nominee of a political party and one or more political bodies shall be aggregated in the final returns for the office sought by such candidate."

#### SECTION 11.

All laws and parts of laws in conflict with this Act are repealed.